

REMARKS

Applicant notes claim objection to claim 1 as presented in the Amendment of July 17, 2007 in that the claim is labeled as “currently amended” when it should have been labeled “previously presented”. Applicant agrees with the observation by the Office and therefore the status of the claim at the time of said Amendment should be noted in the prosecution file as “previously presented”.

Claim Rejections - 35 USC §102

The final Official Action of September 5, 2007 reiterates the rejection of claims 1, 2, 7 and 11 for the same reasons as presented in the previous non-final Official Action; namely, that these claims are unpatentable under 35 USC §102(e) in view of US patent 6,597,394. Newly submitted claims 20-22 filed with applicant’s Amendment of July 17, 2007 are also rejected in the final Official Action as anticipated by Duncan.

For the reasons presented below, applicant requests reconsideration of this rejection.

More particularly with respect to claims 1, 7, 11 and 20-22, the Office asserts that Duncan discloses each of the elements recited therein with specific reference to column 23, lines 60-65, Figure 2 (elements 203 and 210) and Figure 3, with accompanying disclosure at column 5, lines 1-11, column 4, lines 13-17, column 4, lines 24-27¹, column 5, lines 28-60, and column 4, lines 26-41.

As is made clear in the Abstract and Technical Background of the present application, the present application is directed to displaying images on an electronic display and, in particular, improving a digital image for displaying on a display by means of an image processing method while applying parameters, wherein these parameters are

¹ The stated line 42 should be line 24.

at least partly determined on the basis of an instantaneous property of the display and a property of the digital image.

In the "Response to Arguments" section, the Office disagrees with applicant's argument that Duncan does not teach "any instantaneous property of a display would affect the image transformation process because the claim (claim 1) never recites an image transformation process". Applicant would like to make clear that claim 1, although not specifically stating an image transformation process, in fact states that the method is for improving a digital image displayed on a display and that the claim specifically recites processing the digital image by means of said image processing method while applying said parameters.

With respect to those parameters, each of the rejected claims specifically recites determining these parameters for the image processing method at least partly on the basis on an instantaneous property of the display and a property of the digital image. Duncan does not disclose or suggest the use of any instantaneous property of the display for purposes of affecting the image transformation process disclosed in Duncan.

Although Duncan, as noted by the Office, discloses at page 5, lines 58-60, that a programmable image transform processor performs image transform operations on input data after it has been digitized by the A/D converter and that Figure 4 is a block diagram of a preferred embodiment of the image transform processor (ITP) 206, this image transformation processor does not use, nor does it suggest the use of any instantaneous property of the display in the image transformation process. Thus, the image transformation process which can be argued as analogous to the claimed image processing method does not, as required by the image processing method disclosed in claim 1, process a digital image while applying parameters, where said parameters are determined at least partly on the basis of an instantaneous property of the display and a property of the digital image.

Therefore, it is respectfully submitted that Duncan does not disclose the claimed feature in the rejected claims of “processing the digital image by means of said image processing method, while applying said parameters”.

In the “Response to Arguments” section, the Office states “Duncan clearly discloses determining parameters of images of digital image (column 5, lines 58-60)”. However, applicant is not arguing that Duncan does not determine parameters of the digital image, but rather Duncan does not disclose “determining parameters for an image processing method at least partly on the basis of an instantaneous property of the display and the property of the digital image”. It is respectfully requested that it is this entire action recited in each of the rejected claims which is being claimed and not just determining parameters of an image processing method.

It is therefore respectfully submitted that claims 1, 7, 11 and 20-22 are not anticipated by Duncan. Dependent claim 2 is also not anticipated by Duncan due to its dependency from claim 1.

It is therefore respectfully submitted that claims 1, 2, 7, 11, 20 and 22 are not anticipated by Duncan.

Claim Rejections - 35 USC §103

At section 6, claims 3-5, 8-10, 14-16, 18 and 19 are rejected under 35 USC §103(a) as unpatentable over Duncan in view of US patent 6,124,971, Ouderkirk, et al (hereinafter Ouderkirk).

In the “Response to Arguments” section, the Office contends that applicant argued that there is no suggestion to combine Duncan in view of US patent 6,124,971, Ouderkirk, et al (hereinafter Ouderkirk), as set forth at section 6 of the current final Official Action. Applicant is not taking the position that Duncan and Ouderkirk cannot be combined, but rather that even if combined, they would not teach a person of ordinary skill in the art at the time of the present invention the invention as claimed in claims 3-5, 8-10, 14-16, 18

and 19 since Duncan fails to anticipate claims 1, 7 and 11 from which the rejected claims ultimately depend.

For these reasons, it is respectfully submitted that the rejection of claims 3-5, 8-10, 14-16, 18 and 19 as set forth at section 6 of the Official Action is overcome.

Similarly, the rejection of claims 6, 12, 13 and 17 at section 7 of the Official Action is overcome due to the ultimate dependency of each of these claims to an independent claim which is believed to be allowable.

In view of the foregoing, reconsideration of the rejection of the claims of the present invention is earnestly solicited.

The undersigned respectfully submits that no fee is due for filing this Request for Reconsideration. The Commissioner is hereby authorized to charge to deposit account 23-0442 any fee deficiency required to submit this paper.

Respectfully submitted,



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